

# Notice of Allowability

Application No.

10/042,132

Examiner

Natalia Figueroa

Applicant(s)

RUBIN ET AL.

Art Unit

2651

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed March 7, 2005.
2. ☒ The allowed claim(s) is/are 1-6, 8, 9, 11-17, 19, 21-24 and 26-29.
3. ☒ The drawings filed on 11 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## REASONS FOR ALLOWANCE

### *Allowable Subject Matter*

1. Claims 1-6, 8-9, 11-17, 19, 21-24 and 26-29 are allowed.
2. The following is an examiner's statement of reasons for allowance:

RE claim 1, the prior art of record, and in particular Behr (USPN 5,055,951), fails to teach or suggest an information recording system, comprising storage elements being arranged substantially along first and second axes, the first axis being substantially perpendicular to the second axis, the first and second axes being each locally substantially 45° from the respective along-track directions of the tracks; and a head disposed in proximity to the storage medium and having a width that substantially spans at least two adjacent tracks, and each adjacent track spanned by the head having a different phase.

RE claim 27, the prior art of record, and in particular Behr (USPN 5,055,951), fails to teach or suggest an information recording system, comprising storage elements being arranged substantially along first and second axes, the first axis being substantially perpendicular to the second axis, the first and second axes being each locally substantially 45° from the respective along-track directions of the tracks; and an optical head disposed in proximity to the storage medium and having a width that substantially spans at least two adjacent tracks, and each adjacent track spanned by the head having a different phase.

RE claim 28, the prior art of record, and in particular Behr (USPN 5,055,951), fails to teach or suggest an information recording system, comprising a storage medium having a plurality of adjacent tracks, the plurality of adjacent tracks being formed by at least one spiral-shaped track, storage elements being arranged substantially along first and second axes, the first

Art Unit: 2651

axis being substantially perpendicular to the second axis, the first and second axes being each locally substantially 45° from the respective along-track directions of the tracks; and a head disposed in proximity to the storage medium having a width that substantially spans at least two adjacent tracks.

RE claim 29, the prior art of record, and in particular Behr (USPN 5,055,951), fails to teach or suggest an information recording system, comprising an optical storage medium having a plurality of adjacent tracks, the plurality of adjacent tracks being formed by at least one spiral-shaped track, storage elements being arranged substantially along first and second axes, the first axis being substantially perpendicular to the second axis, the first and second axes being each locally substantially 45° from the respective along-track directions of the tracks; and an optical head disposed in proximity to the storage medium having a width that substantially spans at least two adjacent tracks.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Figueroa whose telephone number is (571) 272-7554. The examiner can normally be reached on Monday - Thursday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
NFM

  
DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
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